THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 23677 of 2003

Date: 09.11.2006

Between:

K. Jaya Ram Kumar, S/o K. Balachandrudu, aged about 27 years, R/o Siddavatam, Kadapa, District Kadapa.

.... PETITIONER

AND

Southern Power Distribution Company of A.P. Limited, Tirupathi, rep. by its Chief General Manager (HRD), Tirupathi.

.....RESPONDENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 23677 of 2003

Order:

The petitioner, in response to the notification dated 05.07.2003 issued by the respondent-APSPDCL, applied for the post of Assistant Engineer (Electrical) on yearly contract basis, and appeared in the written examination held on 19.10.2003. The case of the petitioner is that he secured 45% of marks in the said written examination and he is eligible for appointment to the post of Assistant Engineer (Electrical) on contract basis by virtue of his qualifications and also by virtue of his working for one year as an apprentice in the respondent-APSPDCL. The grievance of the petitioner is that the respondent, without holding any interviews, is straight away proceeding to make the appointments on the basis of the marks obtained in the written examination by adopting pick and choose method, and he being an apprentice, should be given preference over other regular candidates in the matter of recruitment. Hence, he filed the present writ petition.

2. Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent-APSPDCL.

3. A perusal of the counter affidavit filed by the respondent-APSPDCL clearly indicates that the petitioner had secured only 42 marks in the written examination and he stood at Sl. No. 180 in the merit list of BC-B category, for which category only two vacancies are earmarked, excluding the women candidates, and the highest marks obtained by the candidate in the BC-B category, is 69 and the lowest

marks secured candidate selected in the category is 66, and the rest of the candidates numbers 176 obtained less than 66 marks between 66 and 42, and therefore, the petitioner was not considered for the said post. The petitioner, having secured only 42 marks in the written examination and having stood at Sl. No. 180 in the merit list of BC-B category, for which category only two vacancies are earmarked, cannot be allowed to contend that he should be given preference over other regular candidates, who secured higher marks than the petitioner, in the matter of recruitment by taking into consideration his one year apprenticeship in the respondent-APSPDCL. The question of giving preference to an apprentice candidate arises only when all other things are equal, such as qualifications and ranking in the merit list etc. In the instant case, the highest marks obtained by the selected candidate in the BC-B category is 69 and the lowest marks secured by a selected candidate in the category is 66. Hence, the petitioner, who secured only 42 marks in the written examination, which is much less than the two selected candidates, and he having stood much below the selected candidates in the ranking list, cannot contend that he should be selected. In the circumstances, no exception can be taken to the action of the respondent-APSPDCL in not considering the case of the petitioner for selection to the post of Assistant Engineer (Electrical).

4. The writ petition is devoid of merit and the same is accordingly dismissed. No costs.

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N.V. RAMANA, J.

Date: 09.11.2006
Nsr/Grk